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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,475	12/18/2000	Larry J. Eshelman	US000349***	4032

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EXAMINER

MAHMOUDI, HASSAN

ART UNIT PAPER NUMBER

2165

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/739,475	<b>Applicant(s)</b> ESHELMAN ET AL.	
	<b>Examiner</b> Tony Mahmoudi	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 7-9 and 11-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Remarks*

1. In response to communications filed on 15-April-2005, claims 1 and 14 are amended per applicant's request. Claims 1-18 are presently pending in the application, of which claims 1, 6, 10, 14 and 17-18 are in independent form.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-4, 10, and 14-16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blandford (U.S. Patent No. 6,470,449) in view of Metcalf (U.S. Publication No. 2001/0027446 A1.)

As to claim 1, Blandford teaches a method of generating a diary record (see Abstract), comprising the steps of:

accepting user input responsive to the step of prompting (see column 4, lines 58-59, and see column 15, line 66 through column 16, line 1, also see figure 24);

adding a record to a database defining the historical record including at least one of data resulting from the step of classifying and data resulting from the step of accepting (see column 14, lines 30-42, and see column 15, lines 11-15.)

Blandford does not teach:

classifying at least one of audio, video, and text input to a computer and generating an indicator of an event responsively thereto; and the event being unrelated to a calendar/diary application; and

prompting a user, by a calendar/diary application, to enter data relating to the event for incorporation in a historical record of events pertaining to a user.

Metcalf teaches an electronic system for regulating activities (see Abstract), in which he teaches:

classifying at least one of audio, video, and text input to a computer and generating an indicator of an event responsively thereto; and the event being unrelated to a calendar/diary application (see figure 2 and see paragraphs 35 and 38-39); and

prompting a user, by a calendar/diary application, to enter data relating to the event for incorporation in a historical record of events pertaining to a user (see paragraph 39, 41 and 82.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford to include classifying at least one of audio, video, and text input to a computer and generating an indicator of an event responsively thereto; and the event being unrelated to a calendar/diary application; and

prompting a user, by a calendar/diary application, to enter data relating to the event for incorporation in a historical record of events pertaining to a user.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford by the teaching of Metcalfe, because including classifying at least one of audio, video, and text input to a computer and generating an indicator of an event responsively thereto; and the event being unrelated to a calendar/diary application, would enable the system to incorporate multimedia entries to the user's records, and prompting a user, by a calendar/diary application, to enter data relating to the event for incorporation in a historical record of events pertaining to a user, would enable the user to enter information where the system would maintain the information in a user's historical log.

As to claim 2, Blandford as modified, teaches wherein the at least one of data resulting from the step of classifying and data resulting from the step of accepting includes data resulting from the step of classifying (see Metcalfe, paragraphs 35 and 38) and data resulting from the step of accepting (see Blandford, column 4, lines 50-59.)

As to claim 3, Blandford as modified, teaches wherein the event includes writing an email letter (see Metcalfe, paragraphs 74 and 82.)

As to claim 4, Blandford as modified, teaches wherein the event includes writing a letter on a text application other than the calendar/diary application (see Blandford, figures 1 and 8,

Art Unit: 2165

and see column 11, lines 56, where “word processor” is taught, also see Metcalfe, paragraphs 74 and 82.)

As to claim 10, Blandford teaches a method of generating a diary record (see Abstract), comprising the steps of:

detecting one of a passage of time since an entry of a record into a diary database and a time of day (see column 3, lines 8-11, see column 4, lines 17-20, and see column 6, lines 54-60);

accepting data to form a new record in a diary (see column 4, lines 58-59, and see column 15, line 66 through column 16, line 1, also see figure 24); and

adding a new record responsive to a result of the step of accepting (see column 14, lines 30-42, and see column 15, lines 11-15.)

Blandford does not teach prompting a user to enter a diary entry responsively to the step of detecting.

Metcalfe prompting a user to enter a diary entry responsively to the step of detecting (see paragraph 39 and 41.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford to include prompting a user to enter a diary entry responsively to the step of detecting.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford by the teaching of Metcalfe, because including prompting a user to enter a diary entry responsively to the step of detecting, would

Art Unit: 2165

enable the user to enter information relating to the diary record relative to the time or times when the transaction is to be performed, as taught by Metcalfe (see paragraph 39.)

As to claim 14, Blandford teaches a method of generating a diary record (see Abstract), comprising the steps of:

extracting current events or historical data from an external data resource (see column 4, lines 65-67, and see column 14, lines 49-60);

adding data resulting from the step of extracting to data resulting from the step of accepting to the diary database (see column 14, lines 30-42, and see column 15, lines 11-15.)

Blandford does not teach accepting data descriptive of at least one of an appointment and an event for inclusion in a diary database.

Metcalfe teaches accepting data descriptive of at least one of an appointment and an event for inclusion in a diary database (see paragraphs 39-40 and 55.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford to include accepting data descriptive of at least one of an appointment and an event for inclusion in a diary database.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford by the teaching of Metcalfe, because including accepting data descriptive of at least one of an appointment and an event for inclusion in a diary database, would enable the user to enter information relating to an event or an appointment, based on the actual time the event/appointment is to take place, as taught by Metcalfe (see paragraph 39.)

Art Unit: 2165

As to claim 15, Blandford as modified, teaches wherein the step of adding includes accepting user input data indicative of instructions to modify the current events or historical data (see Blandford, Abstract, and see column 4, lines 17-35, and see column 10, line 57 though column 11, line 18, also see Metcalf, paragraphs 57 and 82.)

As to claim 16, Blandford as modified, teaches wherein the step of adding includes correlating a date corresponding to the current events or historical data with a date diary data entered in the diary database (see Blandford, column 3, lines 8-11, see column 4, lines 17-20, and see column 6, lines 54-60.)

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blandford (U.S. Patent No. 6,470,449) in view of Metcalf (U.S. Publication No. 2001/0027446 A1), as applied to claims 1-4, 10, and 14-16 above, and further in view of Hayes-Roth (U.S. Publication No. 2002/0005865.)

As to claim 5, Blandford as modified does not teach wherein the event includes a change in a mood of the user.

Hayes-Roth teaches authoring contents for interactive agents (see Abstract), in which he teaches wherein the event includes a change in a mood of the user (see paragraphs 86 and 386, and see claim 23.)



Art Unit: 2165

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford as modified, to include wherein the event includes a change in a mood of the user.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford as modified, by the teaching of Hayes-Roth, because having the event including a change in a mood of the user would enable the system to take into consideration the user's state-of mind (mood), and be able to target events, articles, items to for presenting to the user according to the user's present mood. An advanced use of the Mood System might be to model the user's mood based on the words they use and then customize the interaction based on what you perceive is the user's state of mind, as taught by Hayes-Roth (see paragraph 86.)

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blandford (U.S. Patent No. 6,470,449) in view of Metcalf (U.S. Publication No. 2001/0027446 A1), and further in view of Berenson et al (U.S. Publication No. 2001/0049617.)

As to claim 6, Blandford teaches a method of generating a diary record (see Abstract), comprising the steps of:

accepting data towards the making of a new record in a calendar application (see column 4, lines 58-59, and see column 15, line 66 through column 16, line 1, also see figure 24); and

generating a diary record responsive to a result of the steps of accepting and prompting (see column 14, lines 30-42, and see column 15, lines 11-15.)

Blandford does not teach prompting a user for greater detail in an event defined by the record.

Metcalf prompting a user for greater detail in an event defined by the record (see paragraph 39 and 41.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford to include prompting a user for greater detail in an event defined by the record.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford by the teaching of Metcalf, because including prompting a user for greater detail in an event defined by the record, would enable the user to enter additional information relating to the diary record, in order to complete and/or gather historical information regarding a diary record.

Blandford as modified, still does not teach automatically generating a diary record.

Berenson et al teaches a web-driven calendar updating system (see Abstract), in which he teaches automatically generating a diary record (see Abstract, and see paragraph 19.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford as modified, to include automatically generating a diary record.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford as modified, by the teaching of Berenson et al, because automatically generating a diary record would enable the system to use

Art Unit: 2165

data/information entered by a user and generate and/or update an entry in the calendar/diary system based on the user provided information.

6. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blandford (U.S. Patent No. 6,470,449) in view of Hayes-Roth (U.S. Publication No. 2002/0005865.)

As to claim 17, Blandford teaches a method of generating a diary record (see Abstract), comprising the steps of:

accepting user input data descriptive of personal events to be recorded in a diary database (see column 4, lines 58-59, and see column 15, line 66 through column 16, line 1, also see figure 24.)

Blandford does not teach:

sensing and classifying states, events, or moods of a user or the user's environment;

generating an index responsive to the step of sensing; and

adding the index and the user input to the diary database.

Hayes-Roth teaches authoring contents for interactive agents (see Abstract), in which he teaches:

sensing and classifying states, events, or moods of a user or the user's environment (see Abstract, and see paragraphs 39, 46-51, 84, 86, and 385.)

generating an index responsive to the step of sensing (see paragraph 65, and see figure 1);  
and

Art Unit: 2165

adding the index and the user input to the diary database (see paragraph 389, and see figures 6-7.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford to include sensing and classifying states, events, or moods of a user or the user's environment; generating an index responsive to the step of sensing; and adding the index and the user input to the diary database.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford by the teachings of Hayes-Roth, because including sensing and classifying states, events, or moods of a user or the user's environment; generating an index responsive to the step of sensing; and adding the index and the user input to the diary database, would enable the system to incorporate indicators of the user's mood changes, as well as other event/state variables with the diary records, so that the agent can retrieve contents based on the values of the state variables and user mood/behavior, as taught by Hayes-Roth (see paragraph 389.)

As to claim 18, Blandford teaches a data medium having instructions thereon for implementing a method for generating a diary record (see column 17, line 66 through column 18, line 14, and see column 18, lines 41-64.)

For the remaining steps of this claim, applicant is directed to the remarks and discussions made in claim 17 above.

*Allowable Subject Matter*

7. Claim 7-9 and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record, Blandford (U.S. Patent No. 6,470,449), Berk et al (U.S. Publication No. 2002/0049783), Berenson et al (U.S. Publication No. 2002/0049617), Hayes-Roth (U.S. Publication No. 2002/0005865), and Metcalf (U.S. Publication No. 2001/0027446 A1) do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

wherein the step of automatically generating includes:

correlating selected user input from the step of accepting with data in an external data store; and

generating a detailed description of a portion of the data accepted in the step of accepting responsively to the step of correlating whereby additional data from the external data is used to clarify the data accepted in the step of accepting, as claimed in claim 7.

Claims 8-9 and 11-13 are objected to as being dependent from the objected to dependent claim 7.

***Response to Arguments***

9. Applicant's arguments presented in the reply to previous office action filed on 15-April-2005, with respect to the rejected claims in view of the cited references have been fully considered but they not deemed persuasive:

In response to the applicant's arguments that "Blandford does not disclose or suggest prompting a user to enter data relating to the events and accepting user input responses to the prompting", the arguments have been fully considered but are not deemed persuasive. The examiner acknowledges in his Office Action that Blandford does not teach the step of "prompting a user, by a calendar/diary application, to enter data to the event for incorporation in a historical record of events pertaining to the user". Further, the examiner is relying on the secondary reference, Metcalfe, for this teaching. Metcalfe teaches the step of "prompting a user" in paragraphs 39, 41 and 82 of his invention. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford by the teaching of Metcalfe, because including the step of "prompting a user" would enable the user to enter data/information which the system could maintain as user information in the user's historical log.

In response to the applicant's arguments that "Metcalfe does not disclose or suggest adding a record to the database resulting from said classifying and resulting from said accepting of the user input", the arguments have been fully considered but are not deemed persuasive because Blandford teaches "accepting user input" in column 4, lines 58-59, as

Art Unit: 2165

well as in figure 24; and he teaches "adding a record to the database" in column 14, lines 30-42 and in column 15, lines 11-15.)

In response to the applicant's arguments that "the examiner has cited no evidence from the prior art that the cited feature of independent claim 1 would have been obvious to a person of ordinary skill in the art from Metcalfe and Blandford", the arguments have been fully considered but are not persuasive, because the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the cited references teach inventions that are in the same field of endeavor and the examiner is establishing the motivations in the knowledge generally available to one of ordinary skill in the art to combine the cited references as explained in the previous office action.

In response to the applicant's arguments regarding claim 5 that Hayes-Roth does not cure the above-cited deficiencies of Blandford and Metcalfe as they relate to independent claim 1", the arguments have been fully considered but are not deemed persuasive in view of the responses to the applicant's arguments, presented above.

In response to the applicant's arguments that "Metcalf does not disclose or suggest an event defined by a record, as taught in independent claim 6", the arguments have been fully considered but are not deemed persuasive, because Metcalf teaches, "the diary of the system is a calendar-based secondary interface designed to maintain the record of times when events of any description occurred or are scheduled to occur", which means that the "event" that is scheduled to occur is "defined" by the record of time when the event is supposed to occur (see paragraph 55.)

In response to the applicant's arguments that in claims 17 and 18, "Hayes-Roth does not disclose or suggest an index based on several parameters indicative of a condition", the arguments have been fully considered but are not deemed persuasive. Hayes-Roth teaches the "sensing of a user's mood" in paragraphs 84-86 of his invention. Since the recitation of "sensing and classifying states, events, or moods of a user or said user's environment" in claims 17 and 18 is in the alternative format, teaching the sensing of any one of "states", "events", "moods of a user", or "user's environment" (in this case, Hayes-Roth's teaching of "sensing a user's mood"), satisfies the limitation of claims 17 and 18.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).




Art Unit: 2165

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

tm

June 27, 2005

  
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